

ORDINANCE NO. 07-07

AN ORDINANCE OF THE CITY OF KEY WEST, FLORIDA,
AMENDING CHAPTER 58 OF THE CODE OF ORDINANCES
ENTITLED "SOLID WASTE" BY AMENDING SECTION 58-
1 "DEFINITIONS" TO REPEAL THE USE OF PLASTIC
BAGS AS ACCEPTABLE GARBAGE RECEPTACLES;
AMENDING SECTION 58-34(C) "UNLAWFUL DISPOSAL",
SUBSECTION C, TO ADD RUBBISH, REFUSE AND SOLID
WASTE TO THE LIST OF UNLAWFULLY DISCARDED
ITEMS; ADDING SECTION 58-34(E) TO PROHIBIT
DISPOSAL OF CERTAIN WASTE IN CITY OWNED
RECEPTACLES; AMENDING SECTION 58-35 REGARDING
THE DISPOSAL OF YARD WASTE TO AUTHORIZE
PLACEMENT OF YARD WASTE IN PLASTIC BAGS FOR
RESIDENTIAL ACTIVITIES; PROVIDING FOR
SEVERABILITY; PROVIDING FOR REPEAL OF
INCONSISTENT PROVISIONS; PROVIDING FOR AN
EFFECTIVE DATE

WHEREAS, the City Commission desires to ensure the health,
safety and welfare of its residents and visitors by effectively
managing waste and litter in the City of Key West;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST,
FLORIDA:

Section 1: That Section 58-1 of the Code of Ordinances is
hereby amended as follows*:

Sec. 58-1. Definitions.

The following words, terms and phrases, when used in this
chapter, shall have the meanings ascribed to them in this

*(Coding: Added language is underlined; deleted language is
~~struck through~~.)

section, except where the context clearly indicates a different meaning:

Garbage receptacle means any commonly available light gauge steel, plastic, or galvanized receptacle of a non-absorbent material, closed at one end and open at the other, furnished with a closely fitted top or lid and handle(s). ~~A receptacle also includes a heavy duty, securely tied, plastic bag designed for use as a garbage receptacle.~~ Any receptacle including waste materials serving a single dwelling unit shall not exceed 32 gallons in capacity and/or 50 pounds in weight unless the container is designed to be used with a mechanical device.

Section 2: That Section 58-34 of the code of ordinances is hereby amended as follows:

Sec. 58-34. Unlawful disposal.

(a) No person shall dispose of any garbage, rubbish, offal or industrial waste, except through the franchise collector. City inhabitants may transport to the city dump tree limbs, cuttings, leaves, grass and weeds from their individual premises, provided that such persons using city facilities shall be required to pay the fee established by the city commission.

(b) No person shall place, sweep, or deposit anywhere

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within the city any refuse in such a manner that the refuse may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway or other public place or into occupied premises or unoccupied property within the city, except this shall not prohibit the placement of clean fill upon any private land.

- (c) No person shall throw, place or deposit or cause to be thrown, placed or deposited any rubbish, refuse, solid waste, offal, trash, junk, vehicle, garbage or filth of any kind into or on any of the public streets, roads, highways, bridges, alleys, lanes, thoroughfares, waters, canals, or vacant lots or upon the premises of any other person within the city limits.
- (d) No person shall place, sweep or deposit any special waste anywhere within the city or into any receptacle being used for acceptable solid waste disposal. Special waste requires special handling and the disposal of such material must be arranged with a specialty contractor at the owner's expense. The city's franchise hauler is not required to handle special waste.

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- (e) No person or business shall dispose of their commercially or residentially generated rubbish, refuse or any manner of waste, in city owned waste receptacles provided primarily for pedestrian use and litter control.

Section 3. That section 58-35 of the code of ordinances is hereby amended as follows:

Sec. 58-35. Requirements for bulk and excess yard waste pickup.

(a) Bulk waste and excess yard waste will be collected by the city's franchise hauler weekly on a scheduled basis and will not require containerization if the requirements set forth in the following subsections are met.

(b) Bulk waste such as furniture, household appliances, and bicycles may be placed out for pickup as set forth in section 58-31(f).

(c) Excess yard waste not in containers may be set out on the right-of-way for pickup consistent with the requirements of section 58-31. The property owner shall make arrangements directly with the franchise hauler for excess yard waste pickup. Except any property upon which the land use activity is

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classified as residential pursuant to Code of Ordinances section 86-9, A any yard waste that can fit in a container must be containerized. Yard waste from properties with such residential uses may be placed in a heavy duty, securely tied, plastic bag at least 3 millimeters thick and designed for containing such waste. Excess yard waste pickup is subject to a fee in the amount of the cost of collection and disposal or \$75.00, whichever is greater. Payment shall be made to the franchise hauler.

(d) Nothing in this section shall be construed to prohibit nonfranchised licensed haulers from hauling excess yard waste, C & D, or bulk waste.

Section 4. If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 5. All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

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Section 6. This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a regular meeting held this 5 day of June, 2007.

Read and passed on second reading at a regular meeting held this 19 day of June, 2007.

Authenticated by the presiding officer and Clerk of the Commission on 28 day of June, 2007.

Filed with the Clerk 28 June, 2007.



MORGAN MCPHERSON, MAYOR

ATTEST:



CHERYL SMITH, CITY CLERK